

Brian T. Farrington  
11/2/2010

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TEXAS  
3                   MARSHALL DIVISION

4                   PATTY BEALL, MATTHEW         )  
5                   MAXWELL, TALINA MCELHANY    )  
6                   AND KELLY HAMPTON,          )  
7                   individually and on behalf )  
8                   of all other similarly      )  
9                   situated;                      )  
10                  )  
11                  Plaintiffs,                  )  
12                  )  
13                  vs.                          )                   2:08-cv-422 TJW  
14                  )  
15                  TYLER TECHNOLOGIES, INC.    )  
16                  AND EDP ENTERPRISES, INC.    )  
17                  )  
18                  Defendants.                  )

19   \*\*\*\*\*

20   ORAL DEPOSITION OF  
21   BRIAN T. FARRINGTON  
22   NOVEMBER 2, 2010

23   \*\*\*\*\*

24   ORAL DEPOSITION OF BRIAN T. FARRINGTON, produced as  
25   a witness at the instance of the Defendants and duly  
1   sworn, was taken in the above-styled and -numbered cause  
2   on the 2nd day of November, 2010, from 9:08 a.m. to  
3   11:41 a.m., before Brenda Fleming, CSR in and for the  
4   State of Texas, reported by machine shorthand at the  
5   offices of Morgan, Lewis, & Bockius, LLP, 1717 Main  
6   Street, Suite 3200, Dallas, Dallas County, Texas,  
7   pursuant to the Federal Rules of Civil Procedure and the  
8   provisions stated on the record.

Brian T. Farrington  
11/2/2010

1 A P P E A R A N C E S

2 FOR THE DEFENDANTS:

3 Ms. Ellen L. Perlioni  
4 MORGAN, LEWIS & BOCKIUS, LLP  
5 1717 Main Street  
6 Suite 3200  
Dallas, Texas 75201-7347  
(214) 466-4000 (telephone)  
(214) 466-4001 (facsimile)

7 FOR THE PLAINTIFFS:

8 Ms. Laureen F. Bagley  
9 SLOAN, BAGLEY, HATCHER & PERRY  
10 101 East Whaley Street  
P.O. Drawer 2909  
11 Longview, Texas 75606  
(903) 757-7000 (telephone)  
(903) 757-7574 (facsimile)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Osteen Reporting Services  
(817) 478-9990

Brian T. Farrington - 11/2/10

37

1 in trying to reach a resolution?

2 A. Yes.

3 Q. How do you differ the legal opinion that you  
4 give to your clients when they come to you asking about  
5 whether someone is properly classified with the type of  
6 opinion you're giving in this case?

7 A. In this case I am putting on my Department of  
8 Labor hat, so to speak; that is, I am trying to base my  
9 understanding and analysis of the facts in the law as  
10 they apply to this particular case as I believe the  
11 Department of Labor would do, taking the kind of  
12 enforcement positions that they would take.

13 Q. In other words, you're analyzing whether or not  
14 this particular group of employees meets the exemptions  
15 under the Fair Labor Standards Act?

16 A. Well, this engagement is a little more limited  
17 than that. I am analyzing one particular element of the  
18 exemption.

19 Q. When you say you are putting on your Department  
20 of Labor hat, as I read your report, you're saying, in  
21 my opinion they don't meet this particular element of  
22 the exemption, correct?

23 A. Yes.

24 Q. And that's a legal opinion, correct?

25 A. That's the kind of opinion that I gave every

Oral Deposition of - Brian T. Farrington  
11/2/2010

1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

3 I, Brenda Fleming, Certified Shorthand Reporter,  
4 duly qualified in and for the State of Texas, certify  
5 that the foregoing deposition of BRIAN T. FARRINGTON was  
6 reported stenographically by me at the time and place  
7 indicated, said witness having been placed under oath by  
8 me, and that the transcript is a true record of the  
9 testimony given by the witness, same to be sworn to and  
10 subscribed by said witness before any notary public,  
11 pursuant to the agreement of the parties.

12 I further certify that I am neither counsel for,  
13 nor related to, any party in this cause and am not  
14 financially interested in its outcome.

15 Review by the witness and signature were requested  
16 at the time of taking this deposition, and the changes  
17 made by the witness, if any, are attached to the  
18 transcription of this deposition and entitled Changes  
19 and Signature.

20 The amount of time used by each party at the  
21 deposition is as follows:

22 Ms. Ellen L. Perlioni - 2 hours, 10 minutes  
23 Ms. Laureen F. Bagley - 0 hours, 0 minutes

24 GIVEN UNDER MY HAND OF OFFICE on this the 10th  
25

Oral Deposition of - Brian T. Farrington  
11/2/2010

1 day of November, 2010.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Brenda Fleming*  
BRENDA FLEMING, TEXAS CSR 1499  
Certificate expires 12/31/2011

Osteen Reporting Services  
Firm Registration No. 392  
313 Northglen Dr.  
Hurst, Texas 76054-3024  
(817) 498-9990 (telephone)  
(817) 498-0410 (facsimile)

Osteen Reporting Services  
(817) 478-9990